

Application No. 09/726,831

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

DETAILED ACTION**Claim Rejections -35 USC § 112**

In section 2 of the Office Action, the Examiner rejected claim 30 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner stated:

Claim 30 contains the trade name "palmheld". Where a trademark/trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See Ex parte Simpson, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a personal digital assistant computing device and, accordingly, the identification/description is indefinite.

Applicants respectfully submit that claim 30 has been amended to recite "handheld device." Applicants intent was to provide a description of the proximate size of the device, and not to recite a trademark/trade name. Accordingly, Applicants request that the 35 U.S.C. § 112 rejected be withdrawn.

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Claim Rejections -35 USC § 102

In section 1 of the Office Action, under § 102 rejections, the Examiner rejected claims 1-6, 15-19, 21-26, 28-30 under 35 U.S.C. 102(e) as being clearly anticipated by Tsuji, et al, U.S. Patent 6,522,347. The Examiner stated:

Regarding claim 1, representative of claims 15, 21, 22 and 28, Tsuji discloses a computing device (column 1, lines 9-20), comprising: a communications bus (Figure 3, Column 15, line 20 through Column 16, line 13); a display configured to display in more than one display mode and coupled to the communications bus (Figure 1, Figure 3, elements 13 and 15A, Column 14 line 8 through Column 15, line 6); a processor, coupled to the display and to the communications bus (Column 15, lines 20-50); and a memory coupled to the communications bus (Figure 3, element 12, Column 15, lines 28-56; Figure 4, element 15), the memory configured to receive and provide access to display information to be communicated to the display (Column 15, lines 51-55), the memory being controlled by display logic the display logic being configured to manage the memory (Column 15, lines 20-27) and allocate the memory according to the display mode and the display logic is configured to change the display mode during operation of the computing device (Column 19, lines 15-17; Column 22, lines 21-31; 58-64).

Regarding claim 2, representative of claims 16, 23, and 25, Tsuji discloses the computing device of claim 1, wherein the display mode is dependent upon the application running on the processor (Column 13, line 64 through Column 14, line 6; Column 42, lines 4-12).

Regarding claim 3, Tsuji discloses the computing device of claim 1, wherein the display mode is dependent upon the available memory (Column 40, lines 46-48).

Regarding claim 4, Tsuji discloses the computing device of claim 1, wherein the display mode is dependent upon the available memory bandwidth (see above; Column 15, lines 20-56).

Regarding claim 5, representative of claim 6, Tsuji discloses the computing device of claim 1, wherein the more than one display mode includes a high resolution and a low resolution

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display mode (Column 1, line 60 through Column 2, line 15; Figure 30-33, Column 53, lines 62 through Column 56, lines 1-9).

Regarding claim 12, Tsuji discloses the computing device of claim 1, wherein the more than one display mode includes a text display mode (Column 20, lines 13).

Regarding claim 14, representative of claims 20 and 27, Tsuji discloses the computing device of claim 1, wherein the memory includes random access memory (RAM) (Column 15, line 34).

Regarding claim 17, representative of claim 24, Tsuji discloses the personal digital assistant of claim 15, wherein the display mode is dependent upon a mode signal from the operating system (Figure 3, Column 15, lines 20-60; Figure 36, Column 48, lines 22-26).

Regarding claim 18, Tsuji discloses the personal digital assistant of claim 15, wherein the display mode is dependent upon the display requirements of an application running on the processor (column 1, lines 49-53; Column 13, line 66 through Column 14, line 10; Column 19, lines 15-18).

Regarding claim 19, representative of claim 26, Tsuji discloses the personal digital assistant of claim 15, wherein the display includes a touch screen (see above, Column 15, lines 1-19; Column 19, line 1).

Regarding claim 29, Tsuji discloses the computing device of claim 22, wherein the computing device is included in a cellular phone (see above; Figure 3, element 15, Column 15, line 60 through Column 16, line 13).

Regarding claim 30, Tsuji discloses the computing device of claim 22, wherein the computing device is included in a palmheld device (Figures 22-24, 28, 29; 43, 52; Column 1, lines 14-20; Column 9, lines 58-60).

First, Applicants would like to point out that Examination should be carried out under the changes made to 35 U.S.C. § 102(e) by the American Inventors Protection Act of 1999 (AIPA) because the application being examined was filed after November 29,

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2000. The application was filed on November 30, 2000. Accordingly, the application should be examined under 35 U.S.C. § 102(e) post-amendment by the AIPA.

Independent claims 1, 15, and 22 have been amended to include "the display modes including at least one of resolution modes and color modes." The claims have been amended to clarify what is meant by display modes. Tsuji et al. does not disclose or teach the use of different display modes as Applicant has defined them. The Examiner refers to several citations in Tsuji et al. including col. 1, line 60 – col. 2, line 15; Figures 30-33, and col. 53, line 62 – col. 56, lines 1-9. These citations in Tsuji et al. do not disclose or suggest the use of different modes which include different resolutions and/or different color modes including monochromatic modes. The Tsuji reference describes changing the scaling of objects on screen, for example, Tsuji et al. describes the changing of time scales in manners to include certain ranges of information on the screen. Tsuji et al., however, does not disclose the changing of the actual screen resolution, i.e. the pixel size and/or color depth.

Accordingly, Independent claims 1, 15, and 22 are not anticipated by Tsuji et al. under 35 U.S.C. 102(e).

Claim Rejections -35 USC § 103

In section 17 of the Office Action, the Examiner rejected claims 7-11, and 13 under 35 U.S.C. 103(a) as being unpatentable over Tsuji, et al, U.S. Patent 6,522,347 as applied to claim 1 above, and further In view of Shay, U.S. Patent 5,900,886. The Examiner stated:

Regarding claim 7, representative of claims 8 - 11, and 13, Tsuji discloses the computing device of claim 1, wherein the more than one display mode includes color display (Column 1, lines 28-33; Column 17, lines 45-50) mode. Tsuji does not disclose monochrome, 8, 18 and 24 bit color display mode with 25,600 and 102,400 pixels. Shay teaches (PDA, Column 7, line 22-26) monochrome (Column 7, line 57), the 8, 18, 24 bit color display mode with 25,600 and 102,400 pixels (Column 4, lines 1-21; 480 x 320 is 153,600 pixels;

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Column 1, line 58; Column 7, lines 55-63; Figure 16, elements 94, 96, [1], [15:0], [3:0], [5], [7:5]).

The motivation for combining color and text display modes, RAM with multi-bit color control using various display pixel resolutions is improved display quality (Column 1, lines 23-24, 39, 60, Column 2, lines 12-17, 34-37). Shay is evidence that, at the time of the invention, it would have been obvious for someone skilled in the art of flat display processing to combine the benefits of color and text display modes, RAM memory, as Tsuji discloses, with multi-bit color low and high resolution control, as Shay teaches, to provide for an improved quality display of information.

The Examiner rejected claims 7-11 and 13 as obvious over Tsuji et al. in view of Shay. The Examiner provided that the motivation for combining color and text display modes is improved display quality. Applicants respectfully submit that such a generalized statement is not motivation to combine two references. Motivation must require that one reference give some desirability for making the combination. It has been widely known that display quality in general for any displays is desired. However, Applicant's invention is directed to a very particular problem which is described in Applicant's specification, that is, the changing of display modes based on the required task at hand and available resources, which may be very limited in the computing device. Accordingly, there is no motivation to combine the references of Shay and Tsuji et al. to teach the Applicant's invention of claims 7-11 and 13. Further, because neither Tsuji et al. nor Shay discloses, teaches, or suggests, alone, or in any proper combination, the display modes including at least one of resolution modes and color modes as recited in independent claims 1, 15, and 22, claims 7-11 and 13 are not obvious over Tsuji et al. in view Shay. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974).

Even if claims 7-11 and 13 could be rendered obvious over Tsuji et al. in view of Shay, Applicants respectfully submit that claims 7-11 and 13 are dependent upon an allowable claim 1 and are therefore also allowable.

Accordingly, claims 7-11 and 13 are therefore allowable.

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Claims 1, 15, 22 and 30 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-30 are now pending in this application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date

May 22, 2003

By

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